

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **June 13, 2006**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Public Hearing Regarding Vacating a Portion of a Paper Street Known as Boundary Avenue, Which is Located Off of Elmwood Avenue**

### RECOMMENDATION:

Adopt an ordinance vacating the first 175 x 60 feet of a paper street known as Boundary Avenue, which is located off of Elmwood Avenue.

### SUMMARY:

Margaret G. S. Vaughn has requested that the first 175 x 60 feet of a paper street known as Boundary Avenue, which is located off of Elmwood Avenue, be vacated. The adjoining property owner is in favor of the vacation of this portion of Boundary Avenue.

In response to a Technical Review Committee comment that if the vacation is approved certain properties along Boundary Avenue would lose one potential access route, Ms. Vaughn sent a certified letter to all of the affected property owners notifying them of the June 13 public hearing.

### PRIOR ACTION(S):

April 4, 2006: Technical Review Committee Review

May 23, 2006: Physical Development Committee Review

### BUDGET IMPACT:

None

### CONTACT(S):

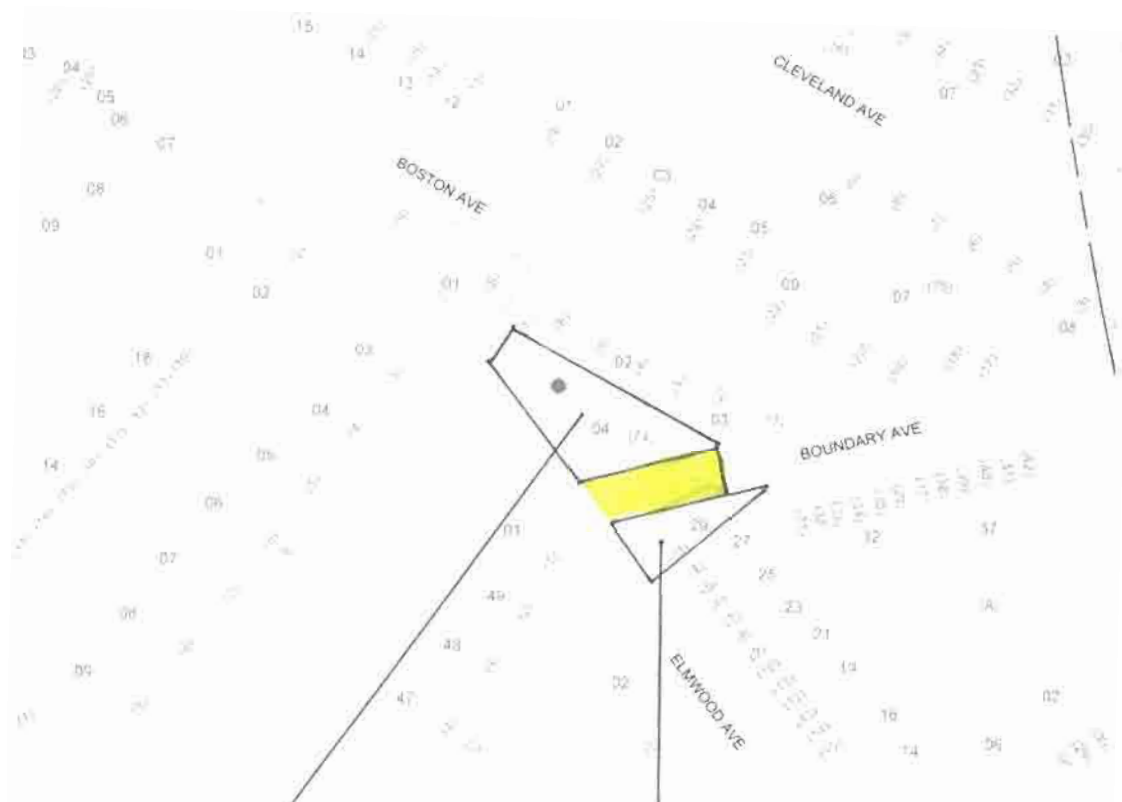
Pat Kost 455-3990

Margaret G. S. Vaughn 528-1213

### ATTACHMENT(S):

- Ordinance
- Map
- Technical Review Committee Report
- Letter sent to affected property owners
- Application

REVIEWED BY: lkp



106 Woodlawn Ave.  
David R. + Margaret Vaughn

410 Elmwood Ave  
Elizabeth P. Johnson

**TRC Report Date**

4/10/2006

Project Number     **SUB0603-0007**  
Project Name        **Boundary Avenue Partial Vacation**  
Site Address

**Review Type**                      **Contact**                      **Notes**

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**AEP**                                      Betsy Webb

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**Assessor**                              Steve Boyer

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**Fire**                                      Mike Thomas

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**Neighbor Svcs**                      Rob Fowler

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**Planning**                              Annette Chenault

TO:     Patricia W. Kost, Clerk of Council  
FROM: Annette M. Chenault, Planner II  
RE:     Street Vacation: Portion of Boundary Avenue located off of Elmwood Avenue

On April 4 the Technical Review Committee (TRC) reviewed the proposed vacation of a 175' portion of Boundary Avenue. The TRC had the following comments:

1. Planning Division: All lots bounding the portion of Boundary Avenue to be vacated have right-of-way frontage on other dedicated, public streets. Some lots currently front on the unopened portions of Boundary Avenue and Boston Avenue, but this situation will not be exacerbated by the current proposal. Therefore, we have no concerns with vacating this portion of Boundary Avenue.
2. Engineering Division: Council should consider that the following properties currently have two potential access routes if the owners wanted to establish future access: 00701029, 00701032, 00701045, 02021008, 02021007, and 02023003. If this vacation is approved these property owners will have only one potential access route.

pc: Technical Review Committee  
Margaret G. S. Vaughan

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**PWEngineeringAdm**                      Lee Newland

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**PWEngineeringDesign**                      James Talian

1. Council should consider that the following properties currently have two potential access routes if the owners wanted to establish future access: 00701029, 00701032, 00701045, 02021008, 02021007, and 02023003. If this vacation is approved these property owners will have only one potential access route.

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**PWEngineeringMapRoom**     Debbie Stinson

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**TRC Report Date**

4/10/2006

Project Number     **SUB0603-0007**Project Name        **Boundary Avenue Partial Vacation**

Site Address

<b>Review Type</b>	<b>Contact</b>	<b>Notes</b>
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<b>PWStreets</b>	Tracy Wood	
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<b>PWTraffic</b>	Gerry Harter	
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<b>Utilities</b>	Phillip Martin	
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<b>Verizon</b>	Betsy Webb	
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CLEVELAND AVE

BOSTON AVE

02021007  
Cleveland  
Associates

02021008  
Southern  
Railway

02023003  
Anne  
Gordon

BOUNDARY AVE

Elizabeth  
Johnson  
00701039

00701037  
Randy  
PARR

00701045  
Southern Railway

0070129

ELMWOOD AVE

410 Elmwood Ave

Elizabeth P. Johnson

106 Woodland Ave  
David R. + Margaret Vaughn

106 Woodland Avenue  
Lynchburg, VA 24503

April 27, 2006

Dear \_\_\_\_\_,

I have recently petitioned the city to abandon the paper only road called Boundary Avenue. The city has requested that I contact you since it will affect one of the potential access routes to your property.

Currently there are two paper routes to your land. One is the end of Boston Avenue and the other is from the side of Elmwood Avenue, on Boundary Avenue. Please review the enclosed map which highlights this area. If the city was to abandon Boundary Avenue, you would still have Boston Avenue available to access your property.

I am interested in planting a row of shrubs on the north edge of Boundary Avenue to decrease both the noise and light from the railroad tracks and the Flowers bakery which are behind our properties. On the south area, abutting Elmwood Avenue, I would like to plant a vegetable garden. Currently the land is poorly maintained by the city and is used by dog walkers who do not clean up after their pets. I have a clear view of this area as it runs along the entirety of our back our yard.

The Lynchburg City Council is scheduled to review my application on June 13, at 7:30 pm. Please contact me if you have any questions or concerns as I would like to have the chance to resolve any potential issues before the City Council review. My telephone numbers are home at 528-1213, or my mobile is 434) 509-3376.

Thank you for your consideration.

Respectfully,

Margaret Vaughn

Enclosure (1)

APPLICATION FOR THE VACATION OF A

Portion of Boundary Avenue  
(Street/Alley)

LOCATED

Off of Elmwood Avenue

The undersigned applicant, Margaret G. S. Vaughn, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of a paper street known as Boundary Avenue described as follows:

The first 175 foot length of Boundary Avenue by a width of 60 feet, more or less, beginning from Elmwood Avenue. This portion of Boundary Avenue abuts 106 Woodland Avenue's lower back lot border and 410 Elmwood Avenue's side yard.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on June 13, 2006, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Boundary Avenue.

Given under my hand this 27 day of February, 2006.

Margaret GS Vaughan  
Applicant

106 Woodland Ave  
Address

528-1213, 509-3376 (mobile)  
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY:

Elizabeth P. Johnson  
410 Elmwood Ave.

*[Signature]*



## AN ORDINANCE VACATING A PORTION OF BOUNDARY AVENUE

WHEREAS, Margaret G. S. Vaughn has requested that the City of Lynchburg, on its own motion, vacate the first 175 x 60 feet of a paper street known as Boundary Avenue, which is located off of Elmwood Avenue; and

WHEREAS, Margaret G. S. Vaughn and Elizabeth P. Johnson own all of the adjoining property; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the first 175 x 60 feet of a paper street known as Boundary Avenue;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of Boundary Avenue be, and the same hereby is, discontinued and vacated, namely:

The first 175 foot length of Boundary Avenue by a width of 60 feet, more or less, beginning from Elmwood Avenue. This portion of Boundary Avenue abuts 106 Woodland Avenue's lower back lot border and 410 Elmwood Avenue's side yard.

Said vacation is contingent upon the condition that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

051P